

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MELVA ROGERS, Natural Parent of)	
DERAVIS CAINE ROGERS, Deceased)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO.1:16-cv-2578
)	
CITY OF ATLANTA, et al.)	
)	
<u>Defendant.</u>)	

DEFENDANT BURNS' STATUS REPORT
December 1, 2016

Defendant, JAMES BURNS, submits his Status Report on the criminal proceedings as follows:

Defendant Burns was indicted in *The State of Georgia v. James Burns*, Fulton County Superior Court Case No. 16SC146204, filed on August 31, 2016. Upon information and belief, the Fulton County District Attorney's office's investigation is now active and ongoing.

Defendant Burns has not yet been arraigned. Upon information and belief that date for arraignment will not be scheduled until *Defendant's Motion to Quash Indictment* is resolved. *Defendant's Motion to Quash Indictment* was filed in the criminal matter on September 16, 2016 (and attaching as Exhibit B thereto, *Defendant's Emergency Motion to Continue the Grand Jury Proceeding due to the*

Lack of the Proceeding and Undue Influence by Outside Sources, filed in the criminal matter on August 30, 2016), has not yet been set for hearing, and remains pending.

Defendant also filed *Defendant's Motion to Modify Conditions of His Bond* on October 24, 2016, which remains pending.

In addition, Defendant filed the following discovery and other motions on September 7, 2016, all of which remain to be heard:

--*Defendant's Demand for Discovery for OCGA 17-16-1 to 7-16-10 to Apply to Defendant's case*

--*Demand for Copy of Indictment and List of Witnesses*

--*Motion for Information Necessary to Receive a Fair Trial*

--*Motion for Discovery of Defendant's Statements*

--*Motion for Defendant's Georgia Crime Information Center Criminal History*

--*Demand to Inspect, Copy, Photograph or Test Evidence*

--*Motion for Discovery of Physical or Mental Examinations and Scientific Reports*

--*Demand for Statements of Witnesses*

--*Motion for Complete Recordation of all Proceedings*

--*Motion to Sequester Witnesses*

--Motion to Preserve Evidence

--Motion to Compel Disclosure of Confidential Information

--Motion to Reveal Consideration, Promises and/or Deal

--Motion for a Jackson/Denno Hearing

--Preliminary Motion to Suppress Defendant's Statements

--Preliminary Motion to Suppress Search

--Motion Reserving the Right to File Additional Motions and

Demurrers

Respectfully submitted this 1st day of December, 2016.

/s/ Mary A. Prebula
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CERTIFICATE OF SERVICE

This is to certify that I have this day electronically filed **DEFENDANT BURNS' STATUS REPPORT December 1, 2016**, with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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This 1st day of December, 2016.

/s/ Mary A. Prebula
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